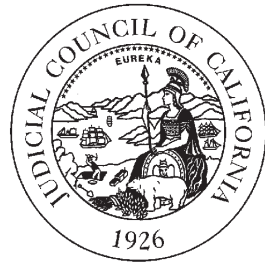


## COURT NEWS


[www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)

## Coping With the Budget Crisis

## Keeping the Doors to Justice Open



To enable already understaffed courthouses to deal with the steady stream of case filings, some courts have had to reduce public hours at clerks' offices. *Photo: Jason Doiy*

BLAINE CORREN

A woman in rural California, the victim of repeated beatings by her husband, had no way of getting to the downtown courthouse without asking her abuser or his sons for a ride.

She was afraid to go to the police because her husband, a U.S. citizen, was the sponsor for her application for legal residency.

Then a friend told her about the county's family law information center (FLIC) and said that its court staff came to her area every Thursday to assist people who were unable to visit the downtown facility.

The woman talked with the FLIC staff attorney, who explained that, as a victim of domestic vio-

lence, she could self-petition for legal residence under the Violence Against Women Act (VAWA). The attorney also referred her to the local branch of Catholic Charities, an agency that assists with VAWA petitions. The FLIC staff helped her prepare a divorce petition and a request for child support, and guided her in asking the court for custody of her daughter.

Fortunately for this woman, the court provided inestimably valuable services. Unfortunately for other victims who came after her, reductions in the court's budget caused it to cut back the family law information center's services, and potentially close its doors, to others in need of legal assistance.

Not all litigants face the dire situation this young woman did, but cuts to the state's judicial branch budget have already affected the public's access to the courts.

## STATE BUDGET SHRINKS

The decline in California's financial fortunes stemmed from a variety of factors, including the dot-com crash, the decline of the stock market, and the loss of corresponding revenues from stock options and capital gains taxes; the energy crisis; the terrorist attacks on September 11, 2001; and the overall downturn in the economy. Most state and local government entities, including the judicial branch, began to feel the decline when the first State Budget reductions were announced toward the end of fiscal year 2001-2002.

*Continued on page 6*

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## Task Force Leaves Jury Room a Better Place

A system of one-day or one-trial jury service, the first increase in jury fees since 1957, and the first statewide juror orientation video are just three of the completed initiatives of the Judicial Council's Task Force on Jury System Improvements. The task force outlined its accomplishments in its final report to the council, issued April 15. The report describes the task force's efforts to implement the recommendations of the Blue Ribbon Commission on Jury System Improvement and presents other needed reforms.

## NEED FOR JURY REFORM

On the recommendation of court leaders, the Judicial Council created the Blue Ribbon Commission on Jury System Improvement in 1995 and charged it with reviewing all aspects of the jury system. The commission was to report its findings and make recommendations for new rules of court, legislation, standards of judicial administration, and constitutional revisions.

One of the commission's suggestions was for the Chief Justice to appoint a task force to oversee the implementation of its recommendations. Chief Justice Ronald M. George appointed the Task Force on Jury System Improvements in October 1998.

## TASK FORCE PROJECTS

The task force undertook a variety of jury-related activities in addition to the original recommendations from the commission. The task force:

- ◆ Directed the launch of the California Courts Juror Web site ([www.courtinfo.ca.gov/jury/](http://www.courtinfo.ca.gov/jury/)), which provides comprehensive online information and resources related to jury service;
- ◆ Oversaw the enhancement of Juror Appreciation Week in California, an acknowledgment by the California Legislature of the vital work performed by jurors, which is celebrated in the courts every second full week in May (Assem. Conc. Res. 118; Stats. 1998, ch. 47);
- ◆ With the Citizens' Stamp Advisory Committee of the U.S. Postal Service, began the process of developing a stamp to commemorate jury service, and urged national court organizations to support the effort; and

*Continued on page 10*



## Family Law Centers Exceed Expectations

More than 45,000 individuals were effectively served in one year by three pilot family law information centers in California.

See pages 8 and 9 for more on the pilot programs that both litigants and court staffs call an integral part of managing cases in family law.



Chief Justice  
Ronald M.  
George

#### MESSAGE FROM THE CHIEF JUSTICE

### 2003 State of the Judiciary Address

*Chief Justice Ronald M. George delivered the State of the Judiciary address to a joint session of the state Legislature on March 25 in Sacramento. He focused his remarks on the accomplishments of the judicial branch and the challenge of maintaining meaningful access to justice during the current economic crisis.*

**T**his is a critical period in our nation's history. Perhaps as never before, the international crisis has focused attention on our ability to preserve our freedoms. As our troops are engaged in battle, all of us—including the courts—must ensure that the principles in whose name the men and women in our military are risking their lives remain strong and vibrant. At the same time, the economic crisis facing our state and the rest of our nation challenges us to make certain that our judicial system remains able to perform its crucial role in protecting and preserving those freedoms. . . .

#### BUDGET CUTS THREATEN ACCESS TO JUSTICE

The judicial branch has taken seriously its stewardship of the resources you have allocated to us. Starting with the budget process in 2001, as California's economic situation became more uncertain, we withdrew \$213 million from our budget request at an early stage.

As the budget crisis deepened during the current fiscal year, we initiated measures to cut expenditures, while attempting to minimize the effect on the services that the courts provide to the public. But already some of the progress that we have made in expanding access to the courts is beginning to be adversely affected, and future cuts threaten to undo major benefits that have been provided to the public. . . .

On a single day recently, the Los Angeles Family Law Information Center served 91 individuals but had to turn away 16 others. Among those who could not be helped was a mother whose nine-year-old child had not been returned by his father after a visit. The mother was unable to get help in obtaining the emergency order she needed to have her child returned home.

Other individuals in courts such as the Superior Court of Yolo County already are suffering delays in obtaining domestic violence restraining orders because of cutbacks in court staff and court hours.

Also being curtailed are other basic services for the public, such as court-provided mediators and Court Appointed Special Advocates, whose role is to monitor and advocate for children in the system. And some programs previously available for the indigent are simply likely to be eliminated entirely.

#### COMPLEX LITIGATION

Nor will the effects of cutbacks in court funding be limited to the poor. For example, if the Governor's proposals for the courts, which I shall describe later, are not passed, the complex litigation program will be at risk. This program, now in place in the larger counties in the state, has proved invaluable in effectively and expeditiously handling matters of substantial concern to the business community, as well as to consumers affected by mass torts, complex construction-defect cases, and similar matters. . . .

In San Francisco, the complex litigation program annually handles more than 100 of the most complex cases. The active and intense judicial supervision of these matters by a judge intimately familiar with the case from its inception allows key issues to be identified and resolved more quickly, and substantial economies of scale have been realized due to assignment to a single courtroom.

Unfortunately, according to Donna Hitchens, presiding judge of the San Francisco court, eliminating the additional funding for the complex litigation program that has been made available to the court, in conjunction with existing and anticipated budget constraints, would leave the court without the resources to continue this highly effective program.

Pilot project complex litigation courts in Contra Costa, Santa Clara, Orange, and Alameda Counties have echoed these accolades and similar concerns. . . .

#### CIVIL AND SMALL CLAIMS

In fact, every type of civil and family law case will be affected negatively if budget cuts dig deeper into the heart of our justice system. Two courthouses have been closed in Riverside County, where three facilities described

as full-service courthouses soon will handle only small claims, traffic, and unlawful detainer cases, thus requiring litigants and jurors to travel far greater distances. In Orange County, night court operations—designed to help working families—have been reduced from weekly to monthly, starting this month. In Alameda County, courts are closing at 4:30 p.m., and jurors are being sent home early. This may increase the time jurors will have to serve as well as increase the costs of litigation.

In Riverside County, public service counters are closing at 4 p.m. instead of 5 p.m. Smaller courts have instituted mandatory furloughs for workers, and in Los Angeles some layoffs already have been implemented, and the closure of several courthouses is under consideration. . . .

#### APPELLATE COURTS

The appellate courts, including the Supreme Court, also are taking actions that may result in significant delays in pending matters. We have notified the Habeas Corpus Resource Center and the Capital Assistance Project—which handle the defense of death penalty cases—that their budgets will be cut as well. After having implemented a broad series of measures over the past several years, both internally and externally, to improve the Supreme Court's ability to attract counsel to handle death penalty cases and to expedite the fair and effective resolution of these matters, we have begun to see concrete progress—all of which may be lost, and delays compounded, if severe funding reductions are made. . . .

#### COLLECTING COURT FINES

On another front, the Conference of Chief Justices, of which I am president-elect and which includes the Chief Justices of all the states and territories, last January unanimously passed a resolution urging Congress to adopt a program for Internal Revenue Service interception of federal income tax refunds for persons delinquent in paying court-ordered fines and fees, similar to the intercept used for delinquent child support payments. It is estimated that nationally there is more than \$5 billion in uncollected court fines and fees. In California, improved collection of fines, fees, and forfeitures would provide a substantial source of revenue for the state. But also, as stated in the resolution adopted by the Conference of Chief Justices, "allowing court-ordered penalties, fines, fees, and restitution charges to be willfully ignored diminishes public respect for the rule of law."

Presently, of course, collections are a county, not a court, function. We intend to continue to work closely with the counties and with court employees to see how we can maximize the benefits of increased collections for all levels of government. A statewide approach clearly has potential benefits to all.

We are sponsoring legislation, currently proposed in a spot bill, SB 246, authored by Senator Escutia, which will be amended to create a statewide system to enhance collection of delinquent court-ordered fines. . . .

#### MANDATED JUDICIAL COSTS

It is particularly difficult for courts to absorb large across-the-board reductions, because so many of their functions are mandated by law. Criminal cases must be timely processed or the courts lose jurisdiction. Our state Constitution prohibits the reduction of judicial salaries during a judge's term of office. Security is necessary to protect not just those who work in our courthouses but also the litigants, lawyers, witnesses, jurors, and public at large. Interpreters, who translate more than 100 languages in our courts, must be provided for those who otherwise cannot participate in the proceedings. Providing counsel for indigent criminal defendants is constitutionally mandated—and that expense alone often constitutes more than 33 percent of an appellate court's budget. Much of the mandatory work of the courts involves performing a vital public safety function, and courts must devote their resources to meeting this obligation. . . .

#### MEETING THE CHALLENGE

The budget crisis should not and must not be allowed to undermine the public's confidence in the administration of justice in our state—particularly when we have made such extraordinary and valuable progress, and at a time when preserving and promoting the freedoms, values, and rights that are fundamental to our nation are so clearly in the forefront of all our thoughts. . . .

#### Take Note

For the full text of  
the Chief Justice's

State of the

Judiciary address, visit the

California Courts Web site

at [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)

/reference/soj032503.htm.



## Judicial Council Action

# Drug Courts Cost-Effective

California's drug courts save the state millions of dollars by cutting prison and jail time and reducing recidivism, according to a report presented to the council at its April 15 meeting.

The Collaborative Justice Courts Advisory Committee submitted a progress report to the council that focused on the committee's activities and accomplishments since December 2001. Included in the report were the initial results from an ongoing cost-benefit study of the state's drug courts (see July-August 2001 *Court News*).

A study called "California Drug Courts: A Methodology for Determining Costs and Avoided Costs" is being conducted by the Administrative Office of the Courts and overseen by the committee. Phase one of the study began in 1998 with a detailed analysis of three adult drug courts in Butte, Los Angeles, and San Diego Counties. The study's findings as of October 2002 included the following:

- ◆ In two of the three case study courts, avoided criminal justice costs averaged approximately \$200,000 annually for each 100 participants.

- ◆ With 90 adult drug courts operating statewide as of 2002 and drug court caseloads estimated at 100 participants per year, the annual statewide savings is projected to be \$18 million per year.

- ◆ All drug courts in the study showed cost avoidance for trial courts after the first year of operation. Two of three courts reduced their costs in the first year, estimated at \$50,000 over the course of the study.

The committee's full report to the council can be viewed at [www.courtinfo.ca.gov/reference/documents/colljustrept2003.pdf](http://www.courtinfo.ca.gov/reference/documents/colljustrept2003.pdf).

### OTHER ACTIONS

In other actions, the council:

- ◆ Received a final report from the Task Force on Jury System Improvements that included 30 proposals for future actions to improve jury service, including a pay increase, free parking and public transportation, and on-site child care (see story on page 1).
- ◆ Approved new court rules and forms that will permit attorneys to provide limited scope

representation to self-represented family law litigants.

- ◆ Approved a new rule that defines minimum contents for court calendars, indexes,

and registers of action that are provided to the public electronically.

- ◆ Received an update from the Task Force on Jury Instructions advising the council that new civil jury instructions are nearing completion and will be presented for its approval in July 2003. ■

## Court Projects Win State Honors

In May the Superior Court of Ventura County and the Administrative Office of the Courts (AOC) were honored at the State Information Officers Council (SIOC) awards luncheon in Sacramento. SIOC, an organization of government public information professionals, annually recognizes "excellence in state government communications."

The Ventura County court was recognized for two of its community outreach projects. It received a gold award for its *Annual Report and Community Guide to Court Programs and Services* (see July-August 2002 *Court News*) and a silver award for its Tip of the Day project, in which updates on court programs and schedules are announced on a local Spanish radio station.

The AOC was honored with two gold awards—one for *Court News*, the agency's bimonthly news-magazine for court leaders, and another for PINetwork, a listserv and companion Web site that promote knowledge sharing among court staffs involved in communications and media and community outreach.

## Advisory Committee on Judicial Service Appointed

Chief Justice Ronald M. George appointed a new Judicial Council advisory committee to maintain the high quality of California's judiciary. The Judicial Service Advisory Committee will continue the work of the task force of the same name.

The advisory committee will study judicial service, retention, and compensation and will recommend ways to attract and retain the best-qualified judges. It will continue to assess and recommend legislation and pilot projects; identify issues of concern and recommend appropriate solutions; propose new rules and

changes to existing rules, standards, and forms; and report its findings to the Judicial Council.

The committee also is charged with identifying and evaluating national and local judicial service practices. It will develop or recommend training related to:

- ◆ Sabbatical leave;
- ◆ Mentorship programs;
- ◆ Special needs of new and retired judges;
- ◆ Benefits;
- ◆ Health care;
- ◆ Compensation and retirement programs; and

- ◆ Resources and programs for "quality of judicial life," particularly those dealing with health, stress, and relationships.

Candace D. Cooper, Associate Justice of the Court of Appeal, Second Appellate District, chairs the Judicial Service Advisory Committee. The members of the committee include justices, judges, and executive officers and is staffed by the Administrative Office of the Courts (AOC).

● For more information on the committee or a list of its members, visit [www.courtinfo.ca.gov/courtadmin/jc/advisorycommittees.htm](http://www.courtinfo.ca.gov/courtadmin/jc/advisorycommittees.htm), or contact Andy Hauer, AOC Compensation and Benefits Manager, 415-865-4256; e-mail: [andy.hauer@jud.ca.gov](mailto:andy.hauer@jud.ca.gov). ■

## New Publisher for Official Reports

The California Supreme Court in April selected LexisNexis to publish the *Official Reports*. LexisNexis will become only the second publisher of the reports in the state court system's 153-year history. Bancroft-Whitney, now part of Thomson West Publishing, has produced the *Official Reports*—the state's authoritative body of appellate decisional law—since the creation of the California courts in 1850.

"The new contract is quite advantageous to the state and public because it includes lower subscription prices and new online services for subscribers and the

public," says Chief Justice Ronald M. George. "With the state's ongoing budget crisis, the impact of subscription prices is very important because so many *Official Reports* subscribers are state and local government entities."

The contract with LexisNexis will begin with opinions filed July 1, 2003. Current *Official Reports* subscribers will receive their advance pamphlets and bound volumes automatically from LexisNexis after that date.

Under the new contract, each subscription to the advance pamphlets will cost approximately \$100 less per year than

subscribers are paying currently; the prices of bound volumes will be reduced approximately 30 percent.

Also provided under the new contract will be additional computer modes and versions, including an online official database in the LexisNexis system; public access, at no charge, to all opinions in the *Official Reports* from 1850 to the present, via the Internet; offline versions in both CD-ROM and DVD formats; and an e-mail "alert service" provided at no charge to *Official Reports* subscribers and the general public. ■

## Historic Panel



On March 11, Presiding Justice Patricia Benke (center), Justice Judith Haller (left), and Justice Judith McConnell heard oral argument in the Court of Appeal, Fourth Appellate District, Division One—the first all-female appellate panel in the history of California. Photo: Seth Sabal Studio, San Diego